

Freedom Court Reporting, Inc**1**

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

3 PATTY BEALL, MATTHEW)
4 MAXWELL, DAVID GRAVLEY,)
5 TALINA MCELHANY, KELLY)
6 HAMPTON, KEVIN TULLOS,)
7 CASEY BROWN, JASON BONNER,)
8 ANTHONY DODD, ILENE)
9 MEYERS, TOM O'HAYER, JOY)
10 BIBLES, DON LOCCHI AND)
11 MELISSA PASTOR,)
12 Individually and on behalf) CIVIL ACTION
13 of all others similarly)
14 situated,) NO.: 2:08-CV-422 TJW
15)
16 PLAINTIFFS,)
17)
18 VS.)
19)
20)
21 TYLER TECHNOLOGIES, INC.)
22 AND EDP ENTERPRISES, INC.,)
23)
24 DEFENDANTS.)
25

ORAL DEPOSITION OF

MELANIE BAIRD

APRIL 26, 2010

ORAL DEPOSITION OF MELANIE BAIRD, produced as a witness at the instance of the DEFENDANTS, and duly sworn, was taken in the above-styled and numbered cause on the 26th day of April, 2010, from 1:22 p.m. to 4:30 p.m., before Elaine Fowler, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Cathy Sosebee & Associates, 901 Mac Davis Lane, Lubbock, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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EXHIBIT NO. 41

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1 A P P E A R A N C E S

2
3 FOR THE PLAINTIFFS PATTY BEALL, MATTHEW MAXWELL, DAVID
4 GRAVLEY, TALINA MCELHANY, KELLY HAMPTON, KEVIN TULLOS,
5 CASEY BROWN, JASON BONNER, ANTHONY DODD, ILENE MEYERS,
6 TOM O'HAVER, JOY BIBLES, DON LOCCHI AND MELISSA PASTOR,
7 Individually and on behalf of all others similarly
8 situated:

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10 Zelbst, Holmes & Butler
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13 (580) 248-4844

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15 ENTERPRISES, INC.:

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1 ladies doing the utility billing take that device with
2 the Itron software and create a file. And inside that
3 file is the data. And I had to go into that file and
4 pick out the data that we -- that we needed for the
5 INCODE software to be able to produce the utility bill.
6 Does that make sense?

7 Q. Yes.

8 A. Okay.

9 Q. Yes. So we talked about conversion. We talked
10 about configuration. What other roles did you have as
11 an implementation specialist?

12 A. I also did training, both on-site and on the
13 telephone.

14 Q. Tell me about on-site training. Start with how
15 would you know someone needed training? Did they call
16 you?

17 A. I would receive a notice that we received a
18 contract from Phyllis Lynn (phonetic).

19 Q. And who would send you that notice?

20 A. Phyllis Lynn.

21 Q. Is Phyllis Lynn a client?

22 A. She is the -- I don't know what her exact title
23 is.

24 Q. Was she with Tyler?

25 A. Yes. She was our training coordinator. I

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24

1 believe that was what her title was.

2 Q. So then she would send you a notice saying our
3 client XYZ needs training?

4 A. Yes, and what they needed training on.

5 Q. And so walk me through then what would happen
6 after that. Once you get that notice from Phyllis --

7 A. Uh-huh.

8 Q. -- what happens then?

9 A. Every application that I trained on was
10 different, so it would depend on what they bought.

11 Q. And when you are saying application, you mean
12 the actual software application?

13 A. Yes.

14 Q. Okay. So walk me through an example. I don't
15 know what all you worked on. Give me through an example
16 and walk me through that.

17 A. Okay. For example, there is a software called
18 Audiotel that customers could run their checks and their
19 bill stubs through it and then -- so they didn't have to
20 manually type in their payments into the software
21 system.

22 Q. Customers or --

23 A. Yes, customers. They would scan them. And I
24 had to go on-site to set up the equipment, install the
25 software, configure it, and then train them how to use

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25

1 it.

2 Q. Okay. So for that particular project that you
3 just told me about Audio --

4 A. Audiotel.

5 Q. Audiotel. Who was the client you were dealing
6 with, what municipality?

7 A. You want an example?

8 Q. Yeah.

9 A. Harker Heights, Texas.

10 Q. And that is a -- what is that?

11 A. That is a city.

12 Q. That is a city?

13 A. Uh-huh.

14 Q. So once you get a notice from Phyllis that
15 Harker Heights needs training on Audiotel, did you call
16 somebody at Harker Heights to coordinate letting them
17 know you were going -- how did you -- did you just show
18 up? Walk me through that process.

19 A. Okay. I would have to get the information from
20 them, like -- they would have to send me samples of
21 their bills so I could configure the scanner to be able
22 to read it.

23 Q. Did Phyllis send you that or did you have
24 someone at Harker Heights to receive that?

25 A. I would contact the customer, like Harker

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1 Heights.

2 Q. And how did you know who to contact at
3 Harker Heights?

4 A. It would be on the email from Phyllis.

5 Q. The contact information for you would be there?

6 A. Yes.

7 Q. So when you contacted the contact person --
8 typically who was the contact person at the city? Were
9 you dealing with the city manager? Who were you dealing
10 with?

11 A. It could be anybody. It was usually never the
12 same person.

13 Q. Was that person an IT individual working for
14 the city, or not necessarily?

15 A. Not necessarily.

16 Q. Okay. So once you contacted your contact at
17 the city, they introduced themselves, you told them that
18 you were trying to come up to the city to provide
19 training and you asked them for what again?

20 A. I would need copies of their bill stubs. You
21 know, when you get a bill in the mail and it tells you
22 to rip here, that portion, so we could configure their
23 scanner.

24 Q. So once you got that -- they would send that to
25 you by fax, I assume?

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1 Q. So you had to actually communicate with the
2 client and find out how they set those up, correct?

3 A. Yes.

4 MS. HOLMES RAY: Objection, form.

5 Q. (BY MS. KHOSRAVI) And you would have to
6 understand that from the client to then know how to
7 assist them with their problems; is that right?

8 MS. HOLMES RAY: Object to the form.

9 Q. (BY MS. KHOSRAVI) You may answer the question.

10 A. Can you repeat that, please.

11 MS. KHOSRAVI: Would you read that back,
12 please.

13 (The reporter read the last question.)

14 A. Correct. Can I ask what time it is?

15 MS. HOLMES RAY: 10 minutes after 2.

16 THE WITNESS: I have to notify my daughter
17 if she has to ride the bus home or not. She gets out at
18 3:15.

19 MS. HOLMES RAY: Off the record.

20 (Break taken from 2:11 p.m. to 2:14 p.m.)

21 Q. (BY MS. KHOSRAVI) Ms. Baird, before we took a
22 quick break we were discussing your employee comments on
23 your performance review with respect to problem solving.
24 Do you remember that?

25 A. Yes.

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1 Q. And we were discussing your comment where it
2 says it usually pertains to the way routes are set up
3 for customers and what the best way to set them up for
4 them is. Do you remember having put that down on your
5 performance evaluation?

6 A. Yes.

7 Q. And was it you then that decided what the best
8 way was to set up the routes for your customers?

9 A. I would make suggestions to the customers, but
10 it was ultimately their decision how it was set up.

11 Q. And how do you decide what suggestions to make
12 to your customers?

13 A. Just -- after doing it for so long you just
14 learn it, you --

15 Q. So you determine what the best route would be
16 provided under the comment?

17

18 MS. HOLMES RAY: Objection, form. You can
19 answer.

20 A. Okay. I would just -- pretty much what I would
21 do, I would say -- you know, I never knew how their old
22 software worked, so I would say this is how our software
23 works and this would be the easiest way for you to do
24 it. But ultimately it was up to them how we set it up,
25 the way they did their day-to-day work.

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1 Q. Now, I want you to go up two lines, again I am
2 on problem solving, and tell me how you rated yourself.
3 Do you see your own ranking under box that has got a
4 capital E on top?

5 A. Yes. There is two of them marked there. I do
6 not know why there is two of them marked there, so I
7 don't know which one I actually picked.

8 Q. Why don't you read me the first one that has an
9 employee checkmark next to it.

10 A. Consistently analyzes problems, recognizes and
11 implements appropriate solutions, finds new and better
12 ways to do things.

13 Q. Tell me what you meant by saying that you
14 recommended and implemented appropriate solutions. Do
15 you remember an example?

16 MS. HOLMES RAY: I am going to object to
17 the form. You can answer.

18 A. Like an example would be -- like, say, they
19 would tell me that they have like 10 routes and we -- I
20 don't know what orders their meter readers would read
21 in, but I would need to find out from them like what
22 account numbers they wanted in each route. And then we
23 would have different configurations that we could set up
24 for them so they could make sure the right account
25 numbers and right meters came up for the meter reader on

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17

1 support? What is the business of Tyler?

2 A. They design software for governments so they
3 can operate.

4 Q. But the time you were employed as software
5 support, the software that Tyler sold to the municipal
6 government, those clients would then call you if they
7 had questions about the software?

8 A. Questions or problems.

9 Q. And did I understand you that those problems or
10 concerns would be communicated to you by the customer or
11 the client making a telephone call to you?

12 A. They would call into a phone queue.

13 Q. And when you say phone queue, tell the jury
14 what you mean by that.

15 A. Where they call in and their call is taken in
16 the order it was received.

17 Q. So you never knew what call you were going to
18 receive when you answered a telephone call?

19 A. That is correct.

20 Q. How long did you remain in the software support
21 specialist position?

22 A. Approximately four years.

23 Q. When you first became employed by Tyler your
24 starting salary was around \$28,000; is that right?

25 A. Yes.

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1 Q. But by the time you resigned in 2008 you had
2 received several raises; is that right?

3 A. Yes.

4 Q. And your ending salary was about \$34,984 per
5 year?

6 A. Something like that.

7 Q. As an implementation specialist, what was your
8 job duty and responsibility?

9 A. As an implementation specialist I worked with
10 the project managers to implement contracts.

11 Q. Tell me what that means, implementing
12 contracts.

13 A. Okay. Marketing would sell the applications to
14 the customer and then implementation, we -- project
15 managers would, you know, work out the details with the
16 customers and then we would configure the software into
17 a conversion and then train them on the application.

18 Q. So as an implementation specialist, one of your
19 jobs was to convert and configure; is that right?

20 A. I didn't work on the conversions as much as the
21 trainers did.

22 Q. Did you ever work on conversions?

23 A. I would help them -- in a conversion, I would
24 help them figure out what information needed to go in
25 which field in the software. So, yes, I did work on

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1 conversions.

2 Q. Good. You were starting to explain to me what
3 conversions meant. That was my next question.

4 A. Yes. A conversion is where you take them from
5 a software package they were using with another company
6 and bring that information into our software.

7 Q. Give me an example, because I am trying to
8 envision and understand what it is that you were doing.
9 And I do not have a technical background.

10 A. Okay. Let's say that -- I am trying to think
11 of what you might use.

12 Q. Give me an example of one of the projects you
13 worked on.

14 A. Okay. Say you were using -- say you were using
15 Lotus Notes for your email and you went to Outlook.

16 Q. Okay.

17 A. So it would be bringing those emails into the
18 new program.

19 Q. And with you being involved in the conversion
20 process, what specifically would be involved in taking
21 my email in Lotus Notes over to Outlook?

22 A. That was where the programmers would come in.
23 They would have to write programs to bring that
24 information over. We just had to tell them where to put
25 it.

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20

1 Q. So your role in the conversion process was
2 where to put what?

3 A. Like we would have to, say, find the customer's
4 name in this software and put it in this field in our
5 software.

6 Q. And who would you give those directions to?

7 A. The project managers, and then they would
8 communicate that with development.

9 Q. So if the subject of the mail was depositions,
10 you would tell the project manager in Lotus Notes the
11 subject field says depositions, in Outlook there is also
12 a field called subject matter, so make sure that the
13 name deposition is incorporated into this field. Am I
14 understanding that correctly?

15 A. Yes.

16 Q. So you were involved in the conversion process
17 in that way. And I think you also said configuration?

18 A. Yes.

19 Q. Help me understand what configuration means.

20 A. Say in like a utility billing software, when --
21 before the customer can bill you how much water or gas
22 or electric you use they have to send a meter reader out
23 to read your meter to get readings.

24 Q. You mean the utility services to the customer?

25 A. Yes.

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21

1 Q. Okay.

2 A. And so the meter reader will have to go out and
3 get a reading. And then they have a device that they
4 type the reading in. And then we would have to
5 configure based off of the software they used for that
6 how to get that information into the INCODE software.
7 So we have to say the meter number is here, the reading
8 is here, the address is here.

9 Q. And when you say "here", you don't mean a hard
10 copy document, you mean --

11 A. Right.

12 Q. -- a different software application?

13 A. Yes.

14 Q. Okay. Go on.

15 A. We would tell it, you know, the address is in
16 field one, you know, for 10 characters, the name is in
17 field 11 for five characters. We would have to, you
18 know, configure our software to know how to recognize
19 that information.

20 Q. And what steps did you take to configure? I am
21 trying to understand that.

22 A. It would depend on which company they used for
23 their meter reading, because they were all different.

24 Q. Give me an example of one that you can think
25 of.

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1 Q. So who became the contact for the trainers?

2 A. They continued to contact their project
3 managers.

4 Q. I see. And you are testifying that the project
5 managers did not have the knowledge and expertise that
6 you did?

7 A. Yes.

8 MS. HOLMES RAY: Object to the form.

9 Q. (BY MS. KHOSRAVI) Would you read the next
10 sentence for me, please.

11 A. "I would also like to take a class on Microsoft
12 Front Page to learn it better."

13 Q. Tell me what Microsoft Front Page is.

14 A. That is a program for designing web pages.

15 Q. Why did you want to attend that class?

16 A. Because the InSite program, that would have
17 been a way for me take more control of it, to do the
18 set-up so I didn't have to wait on other people to do
19 it.

20 Q. Did you make that suggestion to Dyke Ellison?

21 A. Yes.

22 Q. What did he think?

23 A. He said no.

24 Q. Did he tell you why?

25 A. No.

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1 Q. Would you read the next sentence for me,
2 please.

3 A. "I would also like to be the person to build
4 the site and purchase the SSL certificates and install
5 them."

6 Q. These SSL certificates were the security bar
7 codes you were telling me about?

8 A. No. That was the security software that
9 encrypts your credit card when you make a purchase
10 on-line.

11 Q. And remind me why you were suggesting that you
12 would be the person who builds the site and purchases
13 the certificate.

14 A. Because we had -- I had to wait on other
15 departments to do all of that.

16 Q. In order to --

17 A. In order to do my configuration and my
18 training.

19 Q. Did you make that suggestion to Dyke Ellison?

20 A. Yes.

21 Q. And that was declined, correct?

22 A. Yes.

23 Q. Did he explain to you why that was being
24 declined?

25 A. No.

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1 Q. Did you ever ask or follow up?

2 A. Yes.

3 Q. And the result was?

4 A. He would just not respond.

5 Q. Look at the very last sentence in that
6 paragraph starting with "Joe and Michael". Read that
7 for me.

8 A. "Joe and are much better, but I would be able
9 to do my job more efficiently if I could do these other
10 parts."

11 Q. Who were you referring to when you said Joe and
12 Michael?

13 A. Joe was the programmer and Michael was the IT
14 person that -- they were the two people that I had to
15 wait on in the other department to do their job before I
16 could do mine.

17 Q. So they were Tyler employees?

18 A. Yes.

19 Q. Okay. If you will go ahead and put that aside
20 for me. Now I am going to hand you another one.

21 (Exhibit 2 marked.)

22 Q. Ms. Baird, I am going to hand you what has been
23 marked as Deposition Exhibit Number 2. Take a look at
24 that and tell me if you recognize that document, please.

25 A. Yes.

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1 A. Exceptional knowledge of all aspects of the
2 job.

3 Q. And then the next sentence is?

4 A. Considered an expert in the field.

5 Q. Why did you consider yourself to be an expert
6 in the field?

7 A. I was trying to get a good raise.

8 Q. Any other reasons? Were you being truthful
9 when you marked that?

10 A. Yes.

11 Q. Any other reasons besides trying to get a raise
12 that you believed you were an expert in your field?

13 A. Well, I just always did a good job.

14 Q. And what did you consider doing a good job?
15 You have said that several times, you did a good job.
16 But what is it specifically that you did that you
17 considered yourself doing a good job?

18 A. Well, I just always took care of the customer
19 to the best of my abilities.

20 Q. Lets turn the page together to the second page
21 of the performance review. Now, look with me under Item
22 Number 3, which is problem solving, and under employee
23 comments. Read me what you put down for problem solving
24 under employee comment.

25 A. This one is difficult because this is done on a

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1 customer by customer basis and is usually handled
2 between the trainer and I. It usually pertains to the
3 way routes are set up for customers and what the best
4 way to set them up for them is.

5 Q. When you say it is usually handled between the
6 trainer and I, help me understand. I thought you were
7 the trainer who trained the customers. What did you
8 mean by that sentence?

9 A. Well, I trained them on the interfaces. We had
10 trainers that went on-site to train them on the modules.

11 Q. So you didn't train them on how to use Tyler's
12 software, you only trained them on how to make two
13 softwares communicate, correct?

14 MS. HOLMES RAY: Object to the form.

15 A. Correct.

16 Q. (BY MS. KHOSRAVI) And what do you mean by the
17 second sentence, it usually pertains to the way routes
18 are set up for customers?

19 A. Well, every customer was different.

20 Q. The routes are set up, what does that phrase
21 mean?

22 A. Routes are like the order the meter readers
23 would read the meters. Like every city is set up
24 differently and they have different ways of doing
25 things.

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1 Q. So you had to actually communicate with the
2 client and find out how they set those up, correct?

3 A. Yes.

4 MS. HOLMES RAY: Objection, form.

5 Q. (BY MS. KHOSRAVI) And you would have to
6 understand that from the client to then know how to
7 assist them with their problems; is that right?

8 MS. HOLMES RAY: Object to the form.

9 Q. (BY MS. KHOSRAVI) You may answer the question.

10 A. Can you repeat that, please.

11 MS. KHOSRAVI: Would you read that back,
12 please.

13 (The reporter read the last question.)

14 A. Correct. Can I ask what time it is?

15 MS. HOLMES RAY: 10 minutes after 2.

16 THE WITNESS: I have to notify my daughter
17 if she has to ride the bus home or not. She gets out at
18 3:15.

19 MS. HOLMES RAY: Off the record.

20 (Break taken from 2:11 p.m. to 2:14 p.m.)

21 Q. (BY MS. KHOSRAVI) Ms. Baird, before we took a
22 quick break we were discussing your employee comments on
23 your performance review with respect to problem solving.
24 Do you remember that?

25 A. Yes.

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1 Q. They continued to use the old software and the
2 new one that they purchased from Tyler?

3 A. No. The old software would be -- we would
4 replace that software. This is other software they used
5 in addition to.

6 Q. So, for example, if your client was switching
7 from -- the example you gave earlier, switching from
8 Lotus Notes to Outlook, it didn't mean that they were
9 also switching from Microsoft Word to Word Perfect, you
10 had to make sure that Microsoft Word was communicating
11 with the new software, Outlook?

12 A. Yes.

13 Q. Am I following you?

14 A. Yes.

15 Q. So you trained them over the phone on
16 interface (sic)?

17 A. Yes.

18 Q. How was your training in person that you did on
19 clients' sites different from doing the training by
20 phone?

21 A. You were hands-on with the customer. When you
22 are on-site you could actually say, okay, you need to do
23 this, this and this. When you are on the phone it is
24 very hard to, you know, actually show them what they
25 need to do.

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1 Q. So when you are on-site training a client you
2 are actually sitting beside or near the user on their
3 computer screen showing them?

4 A. Yes.

5 Q. And when you are doing it by phone, are you
6 logged onto the client's computer to show them this? I
7 am trying to envision how you actually trained when you
8 are remote.

9 A. When we had the opportunity to do it, we would
10 connect to their computers. Sometimes they would have
11 IT stuff that would not let us do that.

12 Q. So when you were not able to remote in, how did
13 you train them by phone?

14 A. I would actually have their screen pulled up on
15 my screen and just say, you know, in the upper
16 right-hand corner you see this, you know, if you look
17 below that you see this and if you look to the left you
18 see that, just guide them the best you could.

19 Q. What training did Tyler Technologies provide
20 for you in the beginning when you first became an
21 implementation specialist?

22 A. None.

23 Q. How did you know how to do your job as an
24 implementation specialist when you first became one?

25 A. I learned as I went. They would give me a task

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1 and I would just have to learn how to do it.

2 Q. So day one when you first became an
3 implementation specialist, did somebody send you to a
4 client site and say, Ms. Baird, go and train them on --
5 name a software, I don't know, INCODE -- is that how it
6 happened?

7 A. No.

8 Q. Okay. So what was done by Tyler to prepare you
9 for your first trip out to a client's site to be able to
10 train them?

11 A. I waited -- I didn't have any formal training.

12 Q. And I am not limiting my question to any formal
13 training. Me, Farin Khosravi, sitting here today, I am
14 trying to understand how you did your job as an
15 implementation specialist with not having any
16 background. So when you went in as an implementation
17 specialist, did you already have an understanding of how
18 INCODE functioned?

19 A. Functioned in which way?

20 Q. Functioned in any way. Were you familiar with
21 INCODE from previous jobs, from previous training, from
22 previous positions you had with the company?

23 A. I mean, I knew how the software worked from
24 working in support.

25 Q. Let's go back to that then. Before you became

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1 A. No.

2 Q. Why not? Why didn't you make this goal?

3 A. The people that I had to work with to do this
4 were -- they were developers, like programmers. And
5 they --

6 Q. Software programmers?

7 A. Yes.

8 Q. Okay.

9 A. And so I always had to wait on them to do their
10 part before I could do mine.

11 Q. You mean you have to wait for the program to
12 actually be developed?

13 A. The program was already developed, but we had
14 to put in specific items for each customer in there.
15 And I to wait for them to do that. I was not allowed to
16 do that myself.

17 Q. You were not allowed to -- say that one more
18 time.

19 A. I was not allowed to put the specific items in
20 place that we needed to be able to get the customer
21 ready to use the program.

22 Q. Can you give me an example?

23 A. An example would be like an SSL certificate.

24 Q. I don't know what that means.

25 A. That is -- when you purchase something on-line,

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1 it is what encrypts your credit card information so they
2 can't be hacked into. I was not allowed to do that.

3 Q. You were not allowed to do what with it?

4 A. I was not allowed to purchase them and put
5 those into place.

6 Q. So who would purchase the SSL?

7 A. That would be -- it was always someone in the
8 hardware department or the IT department.

9 Q. I see.

10 A. And then there would be -- then they would have
11 to do -- the developers would have to do set-up and they
12 are based off of the customer's information.

13 Q. Go ahead and read the next sentence for me
14 under employee plan.

15 A. Most of them want to wait and when they are
16 ready, they want it now.

17 Q. And what are you referring to there?

18 A. The customers.

19 Q. Why did you say the customers wanted to wait?
20 They wanted to wait regarding what?

21 A. They would usually make that the last module
22 that was taken live. So they --

23 Q. The InSite module?

24 A. Yes, so they could get everything else trained
25 first. And then they would want to wait on that. But

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1 then once they were live, then they would want this.

2 And we would not have it ready.

3 Q. Why did you not like that? What was the
4 problem with that?

5 A. The customers were not happy. And it was my
6 job to -- with this being one of my modules, it was my
7 job to make sure that it was ready for the customer when
8 they wanted it.

9 Q. Read your next sentence for me.

10 A. I want to come up with a procedure that will
11 work for both our clients and implementation so that
12 when a customer has a need we can get them live in a
13 timely manner rather than make them wait until their web
14 admin gets their part done --

15 THE REPORTER: I am sorry. You are reading
16 very fast and I can't understand you.

17 THE WITNESS: Oh, I am sorry.

18 THE REPORTER: That is okay.

19 THE WITNESS: Where do you want me to
20 start?

21 THE REPORTER: In a timely manner --

22 A. Rather than make them wait until their web
23 admin gets their part done, or have to wait on people
24 here at INCODE.

25 Q. Were you able to meet this goal?

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1 A. No.

2 Q. What did you do to try to meet this goal?

3 A. I made suggestions that I purchase the SSL
4 certificates and did all of the initial set-up that I
5 had to wait on other people to do. And that was
6 declined.

7 Q. Who did you make that suggestion to?

8 A. Dyke Ellison.

9 Q. Did Dyke Ellison tell you why that suggestion
10 was declined?

11 A. No.

12 Q. Go ahead and turn the page to Page 6. And the
13 first sentence there starting with "I would also", read
14 that one for me.

15 A. I would also like to get all trainers trained
16 on handhelds and the do's and don'ts of handheld
17 set-up.

18 Q. What are you saying there?

19 A. That handhelds are the devices the meter
20 readers type the readings in.

21 Q. Okay.

22 A. And our -- when the trainer would go on-site
23 they didn't know how those worked. So I wanted to get
24 them trained how they worked so during the process, you
25 know, they can explain to the customer why, you know,

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1 A. Right. Instead of everything else. I couldn't
2 do all of it at once where I would be able to put more
3 attention on more things while I was at my desk.

4 Q. So you mean while you were at a client's site
5 you couldn't then assist other clients who were calling
6 you on the phone asking you about another software?

7 A. Yes.

8 Q. Okay. So once you finished with the client's
9 site that you were visiting, once you returned back to
10 your desk you would contact that client, or how did that
11 work? How did you then attend to that client who was
12 trying to reach you?

13 A. I would call them back -- I would return all of
14 my messages and emails and everything. I would just get
15 to them, you know, in the order I received them or if
16 there was something more pressing I would have to
17 prioritize them.

18 Q. I am trying to figure out how it is that you
19 were working 90 hours that week. What were the hours of
20 your clients usually, their office hours? They were
21 municipalities, correct?

22 A. They were usually 8 to 5.

23 Q. So then you were pretty much working 8 to 5?

24 A. I would work 8 to 5, but then I would also work
25 in my hotel room afterwards.

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1 Q. Okay. And what type of work were you doing at
2 your hotel room afterwards?

3 A. I would answer emails. I would call in and get
4 my voice mails. You can't call the customers back at
5 that point, but I would send them emails. I would
6 answer emails. I would contact project managers. We
7 were in constant contact with project managers. So they
8 were the ones that you had to go to for any project.
9 Even if someone bought a software package after they had
10 already gone live on the main system, the project
11 manager was still in charge of that project. So I was
12 always in contact with the project managers.

13 Q. When you say that you were constantly in
14 contact with the project managers, tell me in what way.
15 Because I am envisioning you being in constant contact
16 with the clients who were calling you regarding issues
17 and problems that they were having. Help me understand
18 that.

19 A. Well, I was in contact -- the clients would
20 call in with issues they were having when I was in
21 support. When I was in implementation we were actually
22 implementing programs. We were setting them up,
23 training them how to use them and making them work. I
24 didn't do as much support once I was in implementation.
25 I still did some support. But the project managers are

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1 the ones who we were in contact with when there would be
2 -- arise a problem with a customer, because that was
3 their customer.

4 Q. Okay. So you would be in contact with a
5 project manager once a problem arose?

6 A. Yes.

7 Q. After you had set it up?

8 A. Right. And when I was travelling, you know, I
9 didn't have access to my computer, to my physical
10 computer at the office. So I would have to contact
11 them, you know, we need to do this for this customer or
12 we need to do that for that. And they would have to go
13 over to my desk or get on my computer or something to
14 try to find some of that information. So I had a lot of
15 back and forth communication with the project managers.

16 Q. How many weeks during your employment with
17 Tyler as an implementation specialist do you remember
18 working 90 hours, the maximum that you testified?

19 A. 90 hours, I only remember working one, you
20 know.

21 Q. Okay. Now, on average how many hours a week
22 were you working?

23 A. An average -- I came up with about 60 hours
24 average.

25 Q. And how did you come up with that number?

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1 A. I just -- I just calculated to the best of my
2 ability, like how much I worked -- because I was working
3 from home a lot. I worked on the weekends a lot. I
4 worked -- you know, I would go in early and I would stay
5 late and then I would come home and work. And so, you
6 know, until -- until 11 or 12:00 sometimes. I just
7 calculated an average out of that.

8 Q. Have you kept any notes or diaries or calenders
9 or journals of the number of hours that you were working
10 while you were employed at Tyler?

11 A. No.

12 Q. Did you keep your time at Tyler while you were
13 working there as an implementation specialist?

14 A. No, we did not keep time there.

15 Q. At any time?

16 A. No.

17 Q. You never kept time while you were working at
18 Tyler?

19 A. No. The only time we ever submitted anything
20 regarding time was when we took paid leave.

21 (Exhibit 4 marked.)

22 Q. Ms. Baird, I am handing you what has been
23 marked as Deposition Exhibit Number 4. Those are your
24 responses to the interrogatories that were served on
25 you. Take a few minutes and look at those questions and